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CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

BY _____

Attorneys for Plaintiffs Encore Holdings Ltd.
 and Viva USA Inc.

UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA

ENCORE HOLDINGS LTD, a Bahamas
 limited liability company, and VIVA USA
 INC., a California corporation,

Plaintiffs,

v.

INFINITI MEDIA, INC., a California
 corporation.

Defendant.

CV10-0492 DSF (PLA_x)
 Civil Action No.:

**COMPLAINT FOR PATENT
 INFRINGEMENT; CERTIFICATION
 OF INTERESTED ENTITIES OR
 PERSONS; DEMAND FOR JURY
 TRIAL**

INJUNCTIVE RELIEF REQUESTED

Plaintiffs Encore Holdings Ltd. ("Encore") and Viva USA Inc. ("Viva USA"), for their
 complaint, allege as follows:

1. Encore and Viva USA are both members of the Viva Group of companies. The Viva Group is a recognized world leader in optical media packaging with its headquarters in Hong Kong, and manufacturing facilities in China, Canada and Poland. The Viva Group distributes and sells its products in numerous countries. Among the products that the Viva Group distributes in the United States is the "ECO-Box," a case for optical media discs such as DVDs and CDs having a distinctive spoked wheel design incorporated into the disc holding region of the case. Encore holds the intellectual property associated with the ECO-Box. Viva USA is the exclusive authorized agent for the distribution and sale of this product in the United States. The ECO-Box is sold to various customers in this district.

2. Infiniti Media, Inc. (“Infiniti”) is a California corporation with its principal place of business at 19481 Harbortgate Way, Torrance, California, 90501. Infiniti distributes cases for optical media discs such as DVDs and CDs.

JURISDICTION

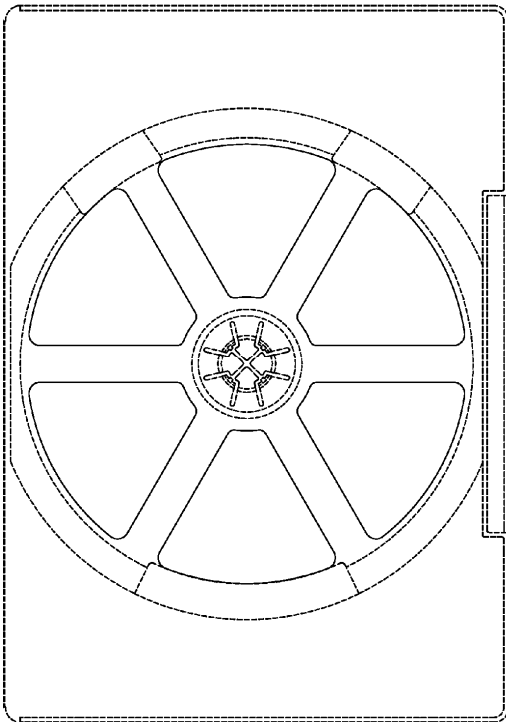
3. This is an action for patent infringement arising under the Patent Laws of the United States, Title 35 of the United States Code. This Court has subject matter jurisdiction over the subject matter of this action under 28 U.S.C. §§ 1331 and 1338(a). The Court has personal jurisdiction over Infiniti because Infiniti is a California corporation and has at all material times been doing business in this District.

VENUE

4. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391 and 1400(b) because this is a judicial district where Infiniti does business and has committed acts of patent infringement.

CLAIM FOR RELIEF

[Infringement of United States Design Patent No. D603,202]



5. United States Design Patent No. D603,202 (the “’202 Patent”), entitled “Optical Media Disc Case” issued on November 3, 2009 to King Yeung Choi. The ’202 Patent discloses and claims a distinctive, spoked wheel design on the back of a case for holding optical media discs such as DVDs and CDs. The Viva ECO-Box is an embodiment of the design covered by this patent. The spoked wheel design, as depicted in Figure 3 of the ’202 patent, is reproduced to the left. A copy of the ’202 Patent is attached hereto as Exhibit A.

6. Encore is the owner by assignment of all right, title and interest in the ’202 Patent. Viva USA is and has been the exclusive authorized distributor of the patented ECO-Box product in the United States.



7. During the relevant times, Infiniti has sold and offered to sell optical media disc cases that incorporate a spoked wheel design. Infiniti's sales and offers for sale of these optical media cases infringe the '202 Patent. A photograph of an infringing Infiniti product is reproduced to the left.

8. Infiniti has had notice of the '202 Patent and its application to the infringing products since at least November 6, 2009. Infiniti's infringement of the '202 Patent has therefore been willful, deliberate and in conscious disregard of Plaintiffs' patent rights, making this an exceptional case within the meaning of 35 U.S.C. §§ 284 and 285.

9. Unless enjoined and restrained by this Court, Infiniti will continue to infringe the '202 Patent, and thereby cause irreparable injury to Plaintiffs for which there is no adequate remedy at law.

10. As a result of Infiniti's willful and deliberate infringement of the '202 Patent, Plaintiffs have been damaged in an amount to be determined at trial.

PRAYER FOR RELIEF

Plaintiffs prays for judgment against Infiniti and all persons in active concert or participation with Infiniti, granting Plaintiffs the following relief:

a. A preliminary and final injunction prohibiting Infiniti, its officers, directors, agents, and successors and anyone else acting in concert with Infiniti from continued infringement of United States Design Patent No. 603,202;

b. An award to Plaintiffs of such damages as they shall prove at trial which is adequate to compensate Plaintiffs for Infiniti's patent infringement, said damages to be no less than a reasonable royalty;

c. An award to Plaintiffs of treble damages to be determined, as provided for in 35 U.S.C. § 284, together with prejudgment interest;

1 d. A finding that this case is exceptional, and an award to Plaintiffs of their costs and
2 reasonable attorneys' fees, as provided by 35 U.S.C. § 285; and

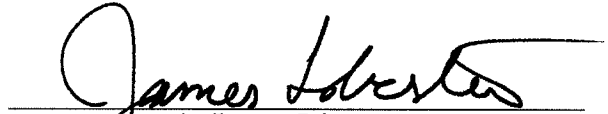
3 e. Any other and further relief that this Court may deem appropriate and just.
4

5 Dated this 22nd day of January, 2010

Respectfully submitted,

6 TOWNSEND AND TOWNSEND AND CREW LLP

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8 By:


A. James Isbester

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10 Attorneys for Plaintiffs Encore Holding Ltd. and Viva
USA Inc.
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CERTIFICATION OF INTERESTED ENTITIES OR PERSONS

The undersigned certifies that the following listed persons, associations of persons, firms, partnerships, corporations (including parent corporations) or other entities (i) have a financial interest in the subject matter in controversy or in a party to the proceeding, or (ii) have a non-financial interest in that subject matter or in a party that could be substantially affected by the outcome of this proceeding:

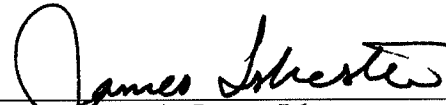
Viva Holdings, Inc. a BVI Company

Dated this 22nd day of January, 2010

Respectfully submitted,

TOWNSEND AND TOWNSEND AND CREW LLP

By:



A. James Isbester

Attorneys for Plaintiffs Encore Holdings Ltd and Viva USA Inc.

JURY DEMAND

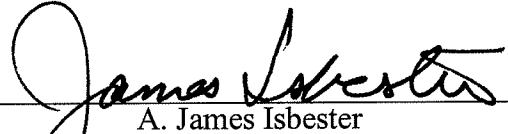
Plaintiffs demand a jury trial on all issues so triable, pursuant Rule 38 of the Federal Rules of Civil Procedure.

Dated this 22nd day of January, 2010

Respectfully submitted,

TOWNSEND AND TOWNSEND AND CREW LLP

By:


A. James Isbester

Attorneys for Plaintiffs Encore Holdings Ltd and
Viva USA Inc.

62407707 v1

EXHIBIT A



US00D603202S

(12) **United States Design Patent**
Choi

(10) **Patent No.:** **US D603,202 S**

(45) **Date of Patent:** **** Nov. 3, 2009**

(54) **OPTICAL MEDIA DISC CASE**

(75) Inventor: **King Yeung Choi**, Hong Kong (HK)

(73) Assignee: **Encore Holdings Ltd.**, Nassau (BS)

(**) Term: **14 Years**

(21) Appl. No.: **29/327,219**

(22) Filed: **Oct. 31, 2008**

Related U.S. Application Data

(63) Continuation of application No. 12/034,625, filed on Feb. 20, 2008.

(51) **LOC (9) Cl.** **06-02**

(52) **U.S. Cl.** **D6/634; D6/407**

(58) **Field of Classification Search** D6/407,
D6/626-635; D9/415, 418, 420, 422, 423,
D9/424, 425, 426, 428, 432, 433; D3/247,
D3/273, 294, 295, 299-301, 303; 206/307,
206/307.1, 308.1, 309, 311, 312, 313, 310,
206/751; 211/40, 41.1, 41.12; D14/478-479
See application file for complete search history.

(56) **References Cited**

U.S. PATENT DOCUMENTS

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D437,520 S * 2/2001 Choi D6/632
D525,628 S * 7/2006 Clatterbuck et al. D14/478

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2002/0056654 A1 5/2002 Carman et al.
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* cited by examiner

Primary Examiner—Charles A Rademaker

Assistant Examiner—Charles D Hanson

(74) *Attorney, Agent, or Firm*—Stephen M. De Klerk;
Sonnenschein, Nath & Rosenthal LLP

(57) **CLAIM**

The ornamental design for an optical media disc case, as shown and described.

DESCRIPTION

FIG. 1 is a perspective view in closed configuration of an optical media disc case showing my new design;

FIG. 2 is a top plan view in closed configuration thereof;

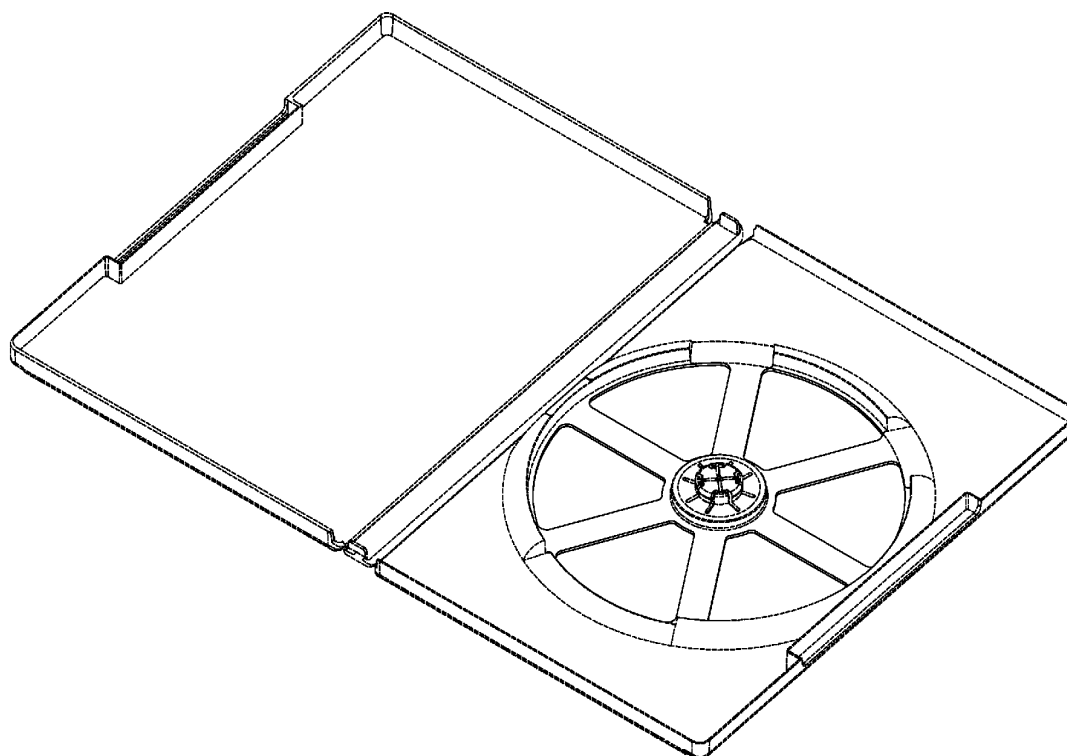
FIG. 3 is a bottom plan in open configuration view thereof;

FIG. 4 is a perspective view in open configuration thereof; and,

FIG. 5 is a top plan view in open configuration thereof.

The broken line showing of the disc case is included for the purpose of illustrating environment and forms no part of the claimed design.

1 Claim, 5 Drawing Sheets



U.S. Patent

Nov. 3, 2009

Sheet 1 of 5

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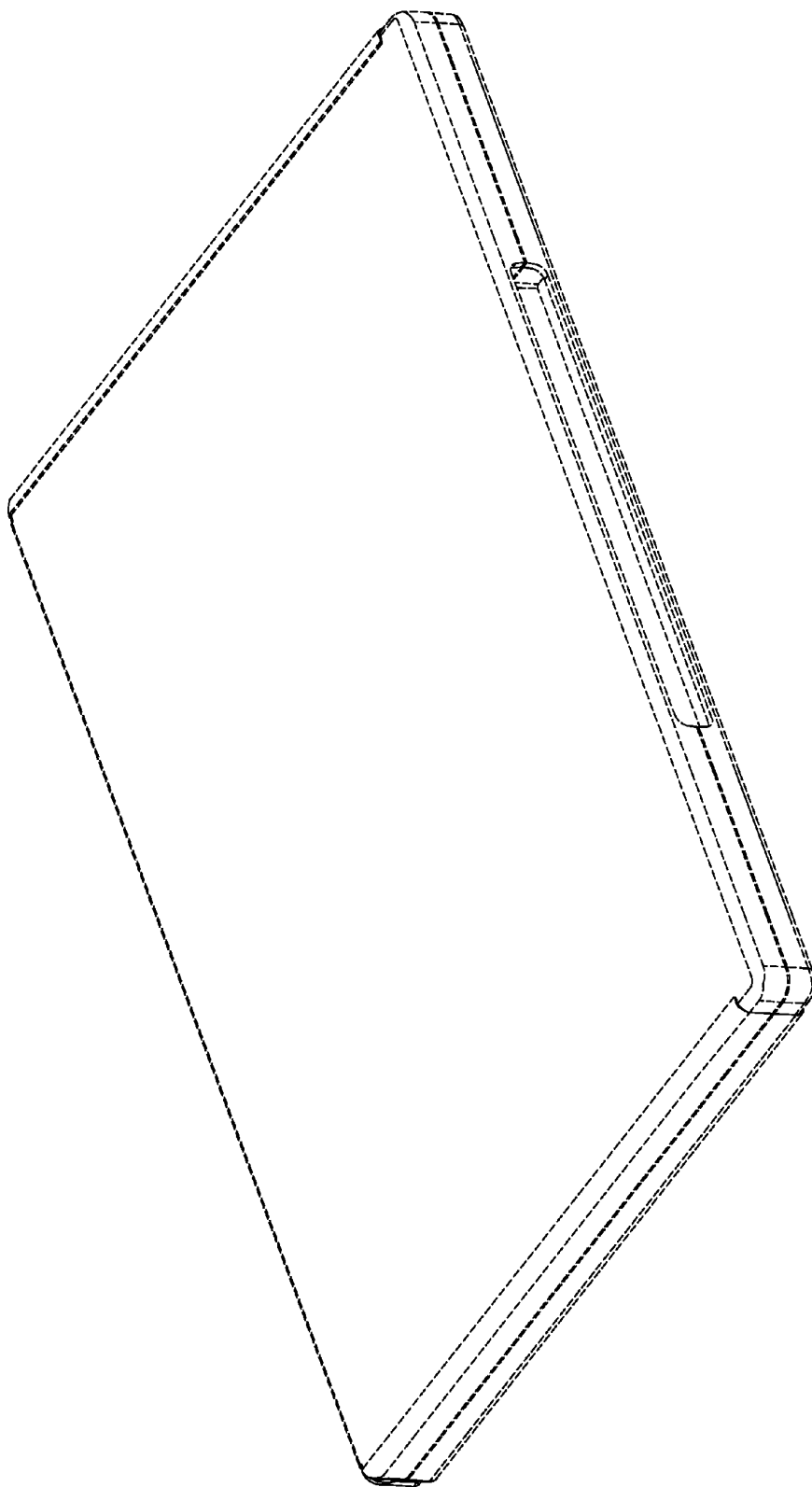


FIG. 1

U.S. Patent

Nov. 3, 2009

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US D603,202 S



FIG. 2

U.S. Patent

Nov. 3, 2009

Sheet 3 of 5

US D603,202 S

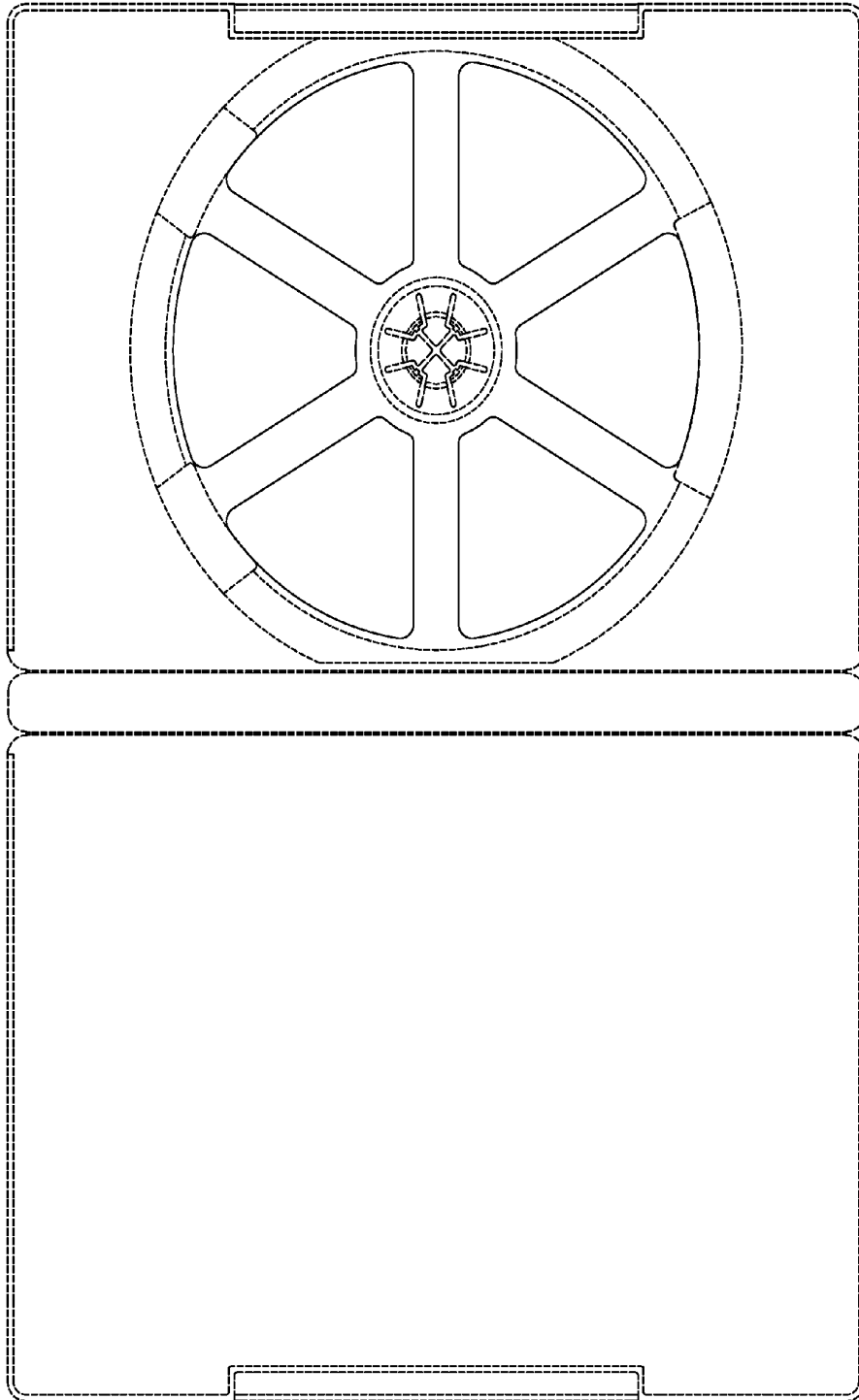


FIG. 3

U.S. Patent

Nov. 3, 2009

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US D603,202 S

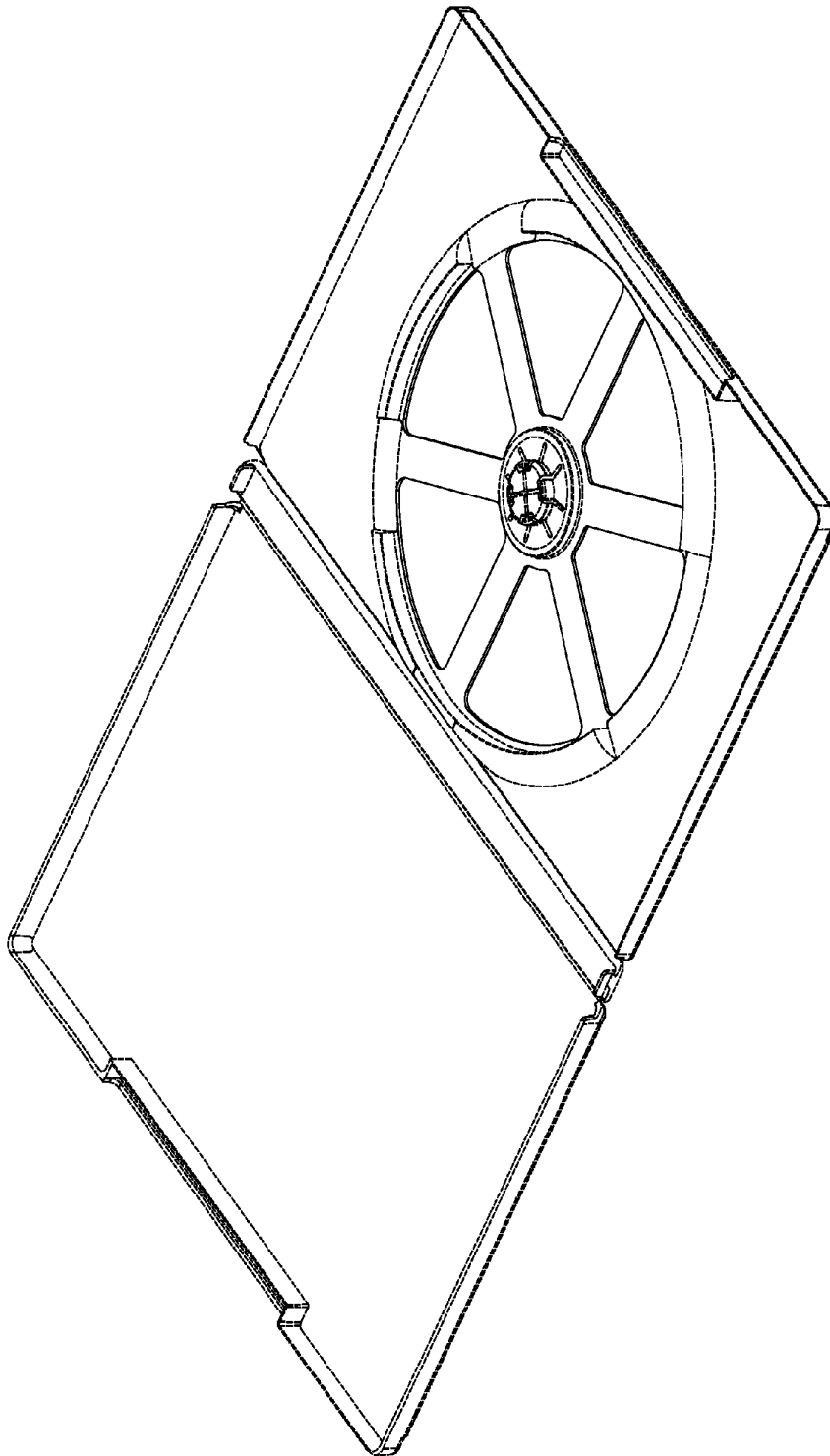


FIG. 4

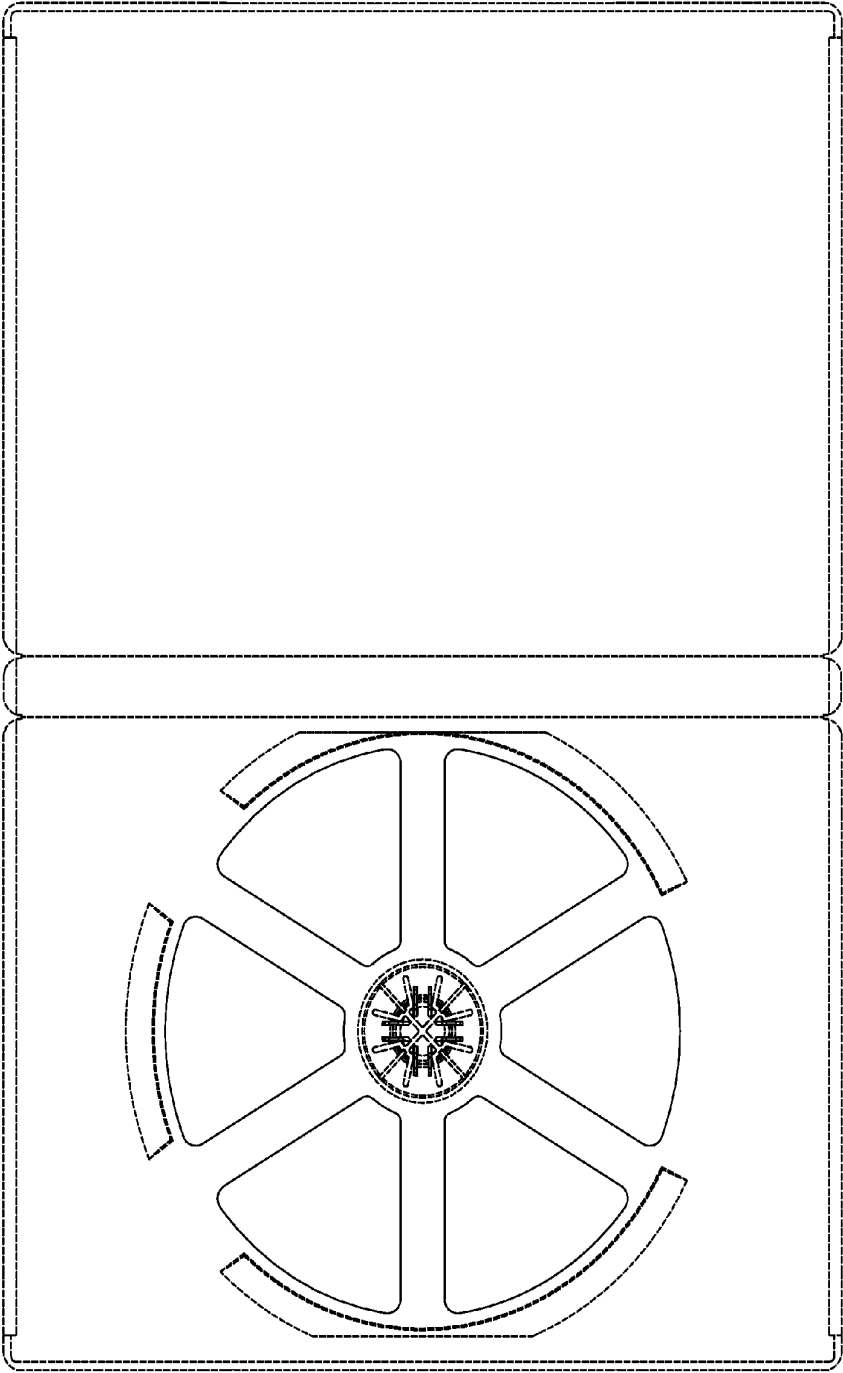


FIG. 5

Name & Address:

A. James Isbester

Townsend and Townsend and Crew LLP

Two Embarcadero Center, Eighth Floor

San Francisco, CA 94111

COPY

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIAENCORE HOLDINGS LTD, a Bahamas limited
liability company, and VIVA
USA INC., a California corporation

PLAINTIFF(S)

v.

INFINITI MEDIA, INC., a California corporation

DEFENDANT(S).

CASE NUMBER

CV10-0492 DSF (PLA x)

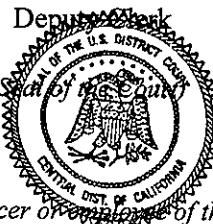
SUMMONS

TO: DEFENDANT(S): INFINITI MEDIA, INC.

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached ☒ complaint ☐ amended complaint ☐ counterclaim ☐ cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, Townsend & Townsend & Crew LLP, whose address is 2 Embarcadero Center, 8th Floor, San Francisco, California 94111. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Clerk, U.S. District Court

Dated: JAN 22 2010By: NATALIE LONGORIA

[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].

1198

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

I (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/> ENCORE HOLDINGS LTD, a Bahamas limited liability company, and Viva USA Inc., a California corporation		DEFENDANTS INFINITI MEDIA, INC., a California corporation																									
(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) Townsend and Townsend and Crew LLP Two Embarcadero Center, 8th Floor San Francisco, CA 94111		Attorneys (If Known)																									
II. BASIS OF JURISDICTION (Place an X in one box only.) <input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)		III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.) <table style="width:100%; border: none;"><tr><td style="width:30%;"></td><td style="width:10%; text-align: center;">PTF</td><td style="width:10%; text-align: center;">DEF</td><td style="width:40%;"></td><td style="width:10%; text-align: center;">PTF</td><td style="width:10%; text-align: center;">DEF</td></tr><tr><td>Citizen of This State</td><td style="text-align: center;"><input type="checkbox"/> 1</td><td style="text-align: center;"><input type="checkbox"/> 1</td><td>Incorporated or Principal Place of Business in this State</td><td style="text-align: center;"><input type="checkbox"/> 4</td><td style="text-align: center;"><input type="checkbox"/> 4</td></tr><tr><td>Citizen of Another State</td><td style="text-align: center;"><input type="checkbox"/> 2</td><td style="text-align: center;"><input type="checkbox"/> 2</td><td>Incorporated and Principal Place of Business in Another State</td><td style="text-align: center;"><input type="checkbox"/> 5</td><td style="text-align: center;"><input type="checkbox"/> 5</td></tr><tr><td>Citizen or Subject of a Foreign Country</td><td style="text-align: center;"><input type="checkbox"/> 3</td><td style="text-align: center;"><input type="checkbox"/> 3</td><td>Foreign Nation</td><td style="text-align: center;"><input type="checkbox"/> 6</td><td style="text-align: center;"><input type="checkbox"/> 6</td></tr></table>			PTF	DEF		PTF	DEF	Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
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IV. ORIGIN (Place an X in one box only.) <input checked="" type="checkbox"/> 1 Original Proceeding <input type="checkbox"/> 2 Removed from State Court <input type="checkbox"/> 3 Remanded from Appellate Court <input type="checkbox"/> 4 Reinstated or Reopened <input type="checkbox"/> 5 Transferred from another district (specify): <input type="checkbox"/> 6 Multi-District Litigation <input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge																											
V. REQUESTED IN COMPLAINT: JURY DEMAND: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (Check 'Yes' only if demanded in complaint.) CLASS ACTION under F.R.C.P. 23: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No MONEY DEMANDED IN COMPLAINT: \$ _____																											
VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.) 35 U.S.C. §§ 284 and 285																											
VII. NATURE OF SUIT (Place an X in one box only.)																											
OTHER STATUTES <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	CONTRACT <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	TORTS PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	TORTS PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition FORFEITURE / PENALTY <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety /Health <input type="checkbox"/> 690 Other	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input checked="" type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609																						

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AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

